

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JO ANN SAYETSITTY,

Defendant.

No. CR 22-10-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 2, 2022. (Doc. 31.) Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will reviewed the Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Johnston recommended this Court accept Jo Anne Sayetsitty's (Sayetsitty) guilty plea after Sayetsitty appeared before him pursuant to Federal

Rule of Criminal Procedure 11, and entered his plea of guilty to one count of involuntary manslaughter. This Court finds no clear error in Judge Johnston's Findings and Recommendations (Doc. 31), and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Jo Anne Sayetsitty's motion to change plea (Doc. 22) is GRANTED.

DATED this 4th day of October, 2022.



Brian Morris, Chief District Judge
United States District Court